

SARAWAK'S ENTRY INTO MALAYSIA -  
Constitutional Arrangements and Agreements Made

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This Paper is submitted to the Faculty of Law,  
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## **CHAPTER I**

### **INTRODUCTION**

#### **The Nature, Purpose and Justification of the Study**

The process of the formation of Malaysia from 1961 to 1963 affords an interesting study because it represents one of the few instances where a nation alters its boundaries without civil war or revolution or major violence<sup>1</sup>. What was employed was modern constitutional means. Nevertheless, it was a tedious and intricate process of political and constitutional bargaining.

The outcome of such political and constitutional bargaining manifests itself today in the Federal structure that now exists. The Federal structure deviates from the usual concepts of federalism as one would find in other federations like the United States or Australia. In particular, Sarawak (and also Sabah) has under the Federal Constitution special rights and interests. They thus occupy, as compared with the other states, a special status. Criticisms have, therefore, been levelled at such an arrangement; criticism that are based on the theoretical principles of Federalism not on practical politics. On another ground, it is said such special rights and interests so long as they remain enshrined in the Constitution would not be conducive to the attainment of national integration which is considered so essential to the continued life of the Federation. But

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<sup>1</sup> There was violence caused by the "Rebels" in Brunei in 1962 led by A. M. Azahari but Brunei was later not a party to the new Federation of Malaysia. Violence created by the Indonesian Confrontation was not due from one of the participants to the new nation. Slight violence precipitating from the clandestine communist organisation was almost negligible.



such criticism of the constitutional arrangements arose mainly out of the failure to understand the forces at work at the time of the formation of Malaysia and out of a failure to understand the feelings and attitudes of the Sarawakians at that time. An insight of the political, economic, social and cultural forces that were at work during those bargaining years would therefore help in the appreciation of the federal structure that now exists.

For the Sarawakians, Malaysia was almost an inevitable choice. Yet it was realised it would bring in inevitable problems in view of Sarawak's differences with the rest of the proposed Federation. A warning was given by Lord Cobbold<sup>2</sup>, " ..... a Federation of Malaysia is an attractive and workable project and is in the best interests of the Borneo territories. I strongly endorse this view, adding that the inclusion of the Borneo territories would also be to the advantage of the other participants in the Federation. It is a necessary condition that, from the outset, Malaysia should be regarded by all concerned as an association of partners, combining in the common interest to create a new nation but retaining their own individualities. If any idea was to take root that Malaysia would involve a "take-over" of the Borneo territories by the Federation

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<sup>2</sup> Lord Cobbold was the Chairman of the Cobbold Commission which was appointed to ascertain the views of the peoples of North Borneo (now Sabah) and Sarawak to make recommendations with regard to the entry of the two states into the proposed Federation. The other members of the Commission were Sir Anthony Abell, K.C.M.G.; Sir David Waterton, K.B.E., C.M.G.; Dato Wong Pow Nee, P.M.N.; and Encik Gazali bin Shafie.

of Malaya and the submersion of the individualities of North Borneo and Sarawak, Malaysia would not in my judgement be generally acceptable or successful"<sup>3</sup>.

This warning would serve as a prelude to the nature of the problems under study.

Sarawak's relation with the Federal Government in Kuala Lumpur has always been a delicate matter. Sarawak has been regarded as a problem-child of the Federation. The federal arrangements made at the formation stage made it inevitable that the Federal-State relationship between Sarawak and Kuala Lumpur from time to time became a delicate problem. As an example of the complications that could arise from such arrangement is the Federal Government's interference in the State Cabinet Crisis in 1966 that led to the dismissal of Sarawak's Chief Minister; a move that was considered by some as unconstitutional. The matter was put to a constitutional test in the case of Stephen Kalong Ningkan V Government of Malaya<sup>4</sup>, a case that now became a landmark in Malaysian constitutional law.

Malaysia also met with opposition from the State of Kelantan, at that time under the control of the opposition Pan-Malayan Islamic Party. The constitutionality of the process of Malaysia's formation was questioned in the case of the State of Kelantan V Federation of Malaya and Tunku Abdul Rahman<sup>5</sup>.

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<sup>3</sup> Cobbold Commission Report, 1962, p.78

<sup>4</sup> Privy Council, [1968] 2 M.L.J. 238, Federal Court [1968] 1 M.L.T. 119.

<sup>5</sup> [1963] M.L.J. 355.

The acceptance of Malaysia by the Sarawakians is also an interesting study because of the Role of the British colonial administration in the whole scheme and is an instance of how a political process is being manœuvred and manipulated by the bureaucracy.

### Organisation of the Paper

It is inevitable that much of this paper will be historical in nature. Conscious effort is made to reduce the discussion of history and to emphasize on the legal and constitutional aspects of the problem under study.

Chapter Two deals with the political development in Sarawak up to the time when the proposal for Malaysia was sounded out by Tunku Abdul Rahman in Singapore. This is worthy of discussion as it would help to explain the Sarawakian's reception of the Tunku's idea. Chapter Three deals with efforts of the Government in the Federation of Malaya to win over the political leaders and the people of Sarawak and Sabah. The next Chapter deals with consultations with the people at a formal level and the reports of the Cobbold Commission of Inquiry. A separate Chapter is given to the role of the British colonial administration in securing the formation of Malaysia. The final arrangements for the formation is an important chapter as it describes about the constitutional process of transferring sovereignty in Sarawak from the British to the new Federation.

### Sources and Methodology of Research

Official documents form the primary source of the paper. The list of official documents will be found in the Bibliography section of this paper. Articles on the formation of Malaysia have also been a useful source as much as books on history on the topic. Nevertheless these were few and are more books of history rather than of law. Newspaper reports are an indispensable source. Reference to Government publications is striking phenomenon of this Paper.

## **CHAPTER II**

### **HISTORICAL SETTING AND POLITICAL DEVELOPMENT**

Before proceeding with the discussion of the substantive part of this paper, it is necessary to describe briefly the political development in Sarawak before there was any proposal to incorporate Sarawak into the present day Malaysian Federation. We must know the political and constitutional structure in Sarawak prior to Malaysia, if we are to be able to appreciate the steps taken for formation of the Federation and the consequent developments.

#### **The Brookes' Legacy**

Evidence of human activity in Sarawak dates from the prehistoric times but its development as an integral state began with the landing of James Brooke in 1839 and his installation as Rajah in 1841. When James Brooke was first ceded the territory by the Sultan of Brunei, each river system and its people was already under the Malay aristocrat. However, James Brooke made sure that he would be the focus of the Malays' allegiance. Until 1946, Sarawak remained under the personal rule of the Brooke family. Under the Brooke family the frontiers of Sarawak were extended many times until the state became twenty times its original size. How the Brookes managed to expand Sarawak is however not germane to the subject of this paper<sup>1</sup>.

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<sup>1</sup> see P. Payne, The White Rajahs of Sarawak, Funk and Wagnall, New York, 1960.

In 1888 Sarawak became a British protectorate, and this gave the British Government some formal control over its external relations.

The Brooke constructed an administration along the lines of the familiar British Colonial Office elsewhere. Though some remoter up-river people were never really brought within the reach of the Brooke Government, the larger groups were greatly affected and were moulded into a new political order. The Brookes relied on the local people, notably the Malays, to become clerks and lesser bureaucrats whilst inviting a small number of Europeans to staff the administration. The Chinese were more interested in trade and also plant cash crops such as rubber and pepper.

Towards the end of the Brooke rule, the territory was divided into five Divisions, each in the charge of a Resident and within the Divisions were a number of Districts administered by District Officers.

Perhaps the greatest legacy which the Brookes has left in Sarawak is the Council Negri, the oldest "parliament" in South East Asia, which has survived the transitions from the Brooke Rule to British Colony and from this Colony to the present day State of Sarawak though its functions and compositions has changed <sup>over</sup> time. The Council Negri was convened in 1867, during the days of James Brooke and was first presided over by Charles Brooke (the Second White Rajah). The Council was from the beginning, in some sense, representative though its representatives were not elected. Their purely

advisory powers to the Rajah could be ignored. The first meeting in 1867 was attended by five British Officers and sixteen Malay and Melanau members all of whom were Mohammedans. The Chinese and the Non-Muslims indigenous groups were not invited to attend. Thus constitutionally the Brooke Rajah was supreme in Sarawak's internal government<sup>2</sup>.

In short it can be said <sup>that</sup> the Brooke Rajah bequeathed peace and a legal and administrative framework. Although ensuring justice in the sense of preserving peace and order, the Brookes did little to provide social services, more particularly, education. Modernisation was slow and the bulk of the population was still illiterate. The Brookes were to a considerable degree conservative. The social structure of the State was disrupted because of their encouragement to the settlement of the Chinese groups and facilitated Chinese dominance in trade and commerce.

### 1941 Constitution

In 1941, Vyner Brooke, the third and last Rajah, decided to end their aristocratic rule. A constitution was enacted partly in commemoration of a centenary of the Brooke rule in Sarawak. This Constitution was not put into force until after 1946 when Sarawak became a Crown Colony and the third Rajah ceded Sarawak to Britain. The 1941 Constitution, incorporated in it the "Nine Cardinal Principles of the Rules of the English Rajahs"<sup>3</sup>. The 1941

<sup>2</sup> Liang Kim Bang, Sarawak, 1941 - 1957

<sup>3</sup> The Cardinal Principles are set out in the First Schedule of the Sarawak (Constitution) Order in Council, 1956. They originally formed part of the Preamble to Order No. C-21 (Constitution), 1941, enacted by the Rajah of Sarawak.

Constitution granted legislative and financial jurisdiction to the Council Negri which now was to consist of twenty-five members - fourteen official and eleven unofficial members representing the various communities. The unofficial members were to be appointed by the Rajah and were to hold office for a period of three years. This legislative body had the power to make laws for the peace, order and good government of the country; and public money could be expended only with its consent. The 1941 Constitution also made provision for the establishment of a Supreme Council to consist of not less than five members, the majority of whom was to be from among the Council Negri.

#### 1941 Constitution

In 1946, Sarawak became a Crown Colony. The 1941 Constitution was adopted. All powers vested in the Rajah by any written law enacted before the date of operation of the cession to the British Government were now vested in the Governor in Council<sup>4</sup>.

#### Constitutional Change - 1956

The Constitutional setting provided for by the 1941 Constitution remained until the Constitution was modified in 1956. The membership of the Council Negri increased to forty-five and twenty-four of these were unofficial members

<sup>4</sup> Sarawak Annual Report - 1955, Dept. of Information, Kuching, p. 155.



to be indirectly elected. Electoral qualification required to be a candidate are inter-alia, over twenty-one years of age, a British Subject or a British protected person ~~or British-protected person~~ and must, except in certain circumstances, have resided for a minimum of seven out of the last ten years in Sarawak<sup>5</sup>. The Supreme Council was increased to ten members by the 1956 constitutional modification and this consists largely of nominated members<sup>6</sup>.

### Local Governments

The British approach to developing Sarawak politically was via the "grass roots", namely <sup>through</sup> local government bodies. It was intended that these bodies; originally consisting of nominated members, some of them Government officials, would gradually be replaced by directly elected members. By 1957, a measure of local government had been introduced. Kuching, at least had a municipal council, which was autonomous and a fully representative body<sup>7</sup>. Initially it was considered impractical to introduce municipal Government in the rural areas due to the vastly scattered villages. It was in 1947 that the first local authority was established in Limbang. A Native Administrative Order had earlier been introduced in 1940 which attempted to initiate the participation of the local people in their own affairs. By 1957, it could be said, practically

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<sup>5</sup> Sarawak Annual Report - 1962, pp. 323 - 324

<sup>6</sup> *ibid.*, p. 323

<sup>7</sup> *ibid.*, p. 325

the whole of Sarawak was covered by a proliferation of local government bodies. Nevertheless, the elective principle even at local government level was not widely applied.

In most cases, British official representation was notable but this began to change in 1959 when representatives to district councils were elected. The District Councils were given responsibilities in primary education, preventative medicine and other responsibilities usually given to local government services. The Councils were considerably autonomous though there was basic central government control in major policies, approval of annual revenue and expenditure estimates, and senior staff appointment. By 1961, the people elected district councillors by secret ballots. The councillors elected from among themselves the members to the five Divisional Advisory Councils which then elected twenty-one out of twenty-four members to the Council Negri in Kuching. In other words, it was a three-tier system of indirect elections.

Therefore, when there was a proposal to form Malaysia in 1961, constitutionally, Sarawak had neither universal suffrage nor even self-government. It was only at the local government level that elective principle was applied. The 1956 Constitution was functioning up until 1963 when the formation of Malaysia was effected. Political development has been a very recent experience. The setting up of administrative machinery was very much a post-war effort on the part of the British. National consciousness could

hardly advance where literacy rate was low. Nevertheless there were few people who had the opportunity of attending one of the few schools set up before the Japanese Occupation and these too had grown literate enough to learn to make political expression. During the Japanese Occupation, the local people continued to remain in their administrative positions. In most cases this retention in service was coupled with quick promotions. This gave these officials their first opportunity of running Sarawak themselves. This first taste of administrative power led to the emergence of political consciousness. But, by and large, by the time Tunku Abdul Rahman made known his desire to form Malaysia Federation, political awareness was not widespread largely due to the fact that the pre-war authorities did little to foster national consciousness. The Sarawakians, therefore, lacked the necessary political maturity which is essential if the negotiations for the proposed federation was to be meaningful.

## **CHAPTER III**

### **WOONG AND BARGAINING**

It could be said that the process of bringing Sarawak into the proposed Federation of Malaysia involved wooing on the part of the Government of the Federation of Malaya and persuasion and encouragement on the part of the British Colonial Government. This was necessary because when Tunku Abdul Rahman, the Prime Minister of Malaya, made a bid to form a political union of Malaya, Singapore and the British Borneo States and Brunei, the Borneo leaders found the proposal unacceptable. The Borneans were caught by surprise.

Sarawak was both politically and generally underdeveloped. There were clear signs of underdevelopment in the lack of communication, the high rate of illiteracy and education in general and an economy based on primary products. The people were politically inexperienced<sup>1</sup> and gestures by an outsider to unite Borneo with the already comparatively developed Federation of Malaya and Singapore would be interpreted as expansionist and would therefore be a suspect move.

Tunku Abdul Rahman made his bid to include Sarawak and Sabah in a rather casual manner. He was addressing a luncheon meeting of the Foreign

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<sup>1</sup> for reasons we have already seen in the last chapter.

Correspondents' Association of South East Asia in Singapore, suggesting that Malaya should not stand alone and should have an understanding with Britain and the peoples of the territories of Singapore, North Borneo (now Sabah), Brunei and Sarawak. In point of fact, what the Tunku suggested was nothing very new as many others had already considered such a development to be logical and natural having regard to the fact that the territories had many in common as all were British Colonies; Sarawak and Sabah being considered too weak and too underdeveloped to stand on their own and must therefore lean towards the more developed Malaya, which had already attained independence, and Singapore. Earlier, the former British Commissioner-General for South East Asia, the Right Honourable Malcolm MacDonald had proposed such an Association<sup>1a</sup>. It must be noted that Britain was at that time accustomed to demands of political independence and was quite anxious to hand over control over Sarawak which was considerably underdeveloped. The British Prime Minister, Harold MacMillan, referring to the Tunku's proposal, stated in the House of Commons, "Tunku Abdul Rahman's statement is already stimulating discussion in these countries, and the Government will wish to take their reactions into account in their consideration of the suggestion"<sup>2</sup>.

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<sup>1a</sup> M. Hatta, "One Indonesian View of the Malaysia issue" p. 140; Asian Survey, University of California, Berkeley, March 1965.

<sup>2</sup> The Times, London, June 21, 1961.

As the Sarawakians were unfamiliar with politics, there was little participation from the local people in respect of this external development. There was a shortage of political leaders and the immediate response to the Tunku's proposal was first given by the British Governor in Sarawak, Sir Alexander Waddell. He together with British authorities in Sabah and Brunei, were summoned for talks with Britain's Commissioner-General for South East Asia, Lord Selkirk in June 1961. These British authorities played a significant role and acted as mediators between the state capitals and Whitehall and between Whitehall and Westminster. The British authorities in Sarawak had little choice but to support the proposal as they recognised that the Tunku's proposal had aroused discussion and they would therefore have to introduce Borneo leaders into the area of inter-territorial politics. They however cautioned that the projected Federation be approached with accent on the proper timing as they felt, and rightly so, that "The Borneo territories lag behind Singapore and the Federation 'politically'. Sir William Goode, Governor of North Borneo said;

"So the question of political timing is vital. If you lose an opportunity to set down to it, that opportunity may be lost forever."

This therefore represents the views of the British colonial authorities.

### The Tunku's Visit

The Malayan Government, on its part was quick to make the first move.

The Tunku thought that he should familiarise the Borneans with Malayan leadership. Two months after he announced his proposal, he and the Yang Di-pertuan Agong, went on a state visit to Brunei and parts of Sarawak. The theme of the Tunku's speeches during his visit centered on the appeal to brotherhood. Borneo it was said had close ties with Malaya - the "same nationality", the same culture and same customs. He tried to woo the Borneo leaders by concentrating on historical links and common cultural heritage between the two sides separated only by the shallow waters of the South China Sea. As a matter of fact, the Tunku was found to have said on his return to Kuala Lumpur the following:-

"From the textbooks at the schools and by meeting the Dayaks, I found out that the difference between the so-called Dayak language and Malay is in the dialect just as there is a difference in the dialects of Selangor Malays and Kedah or Kelantan Malays." 2a

The visit however did little to bring about an understanding with the Sarawakians despite Tunku's stress on brotherhood and common links in cultural heritage.

Local leaders of stature were few in Sarawak. However they were men with an open mind having had tutelage under the British. Notwithstanding the lead of the British Governors, the Borneo leaders asserted their common

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2a The Straits Times, July 24, 1961, p.1

interest as fellow Borneans. Concerned with the idea that their British masters had decided to hand over their territories to the proposed Federation they formed a United Front on 9th July 1961 in Jesselton (Kota Kinabalu) rejecting the proposed Federation and criticizing the Malayan Prime Minister. Donald Stephens of Sabah and Ong Kee Hui of Sarawak, immediately after the Tunku's visit to Brunei and Sarawak, said that any plan to federate the Borneo territories with Malaya and Singapore would be totally unacceptable. Earlier, in Brunei, the Tunku had said, there's "no limit as to the number of states that can join the Federation - the Constitution provides for it"<sup>3</sup>. He added that Malaya had no intention to colonize other countries and that new states could enjoy the same privileges as those in Malaya.

The United Front leaders, notably Ong Kee Hui, A.M. Azahari, the President of Party Rakyat Brunei, and Donald Stephens of Sabah, saw the visit of the Tunku and the Yang Di-pertuan Agong of Malaya as a disruption of the British promise for their freedom and ultimate independence and responded with outright rejection to the Tunku's proposal. More provocative was the Tunku's statement made in Sarawak when he said that he "did not think it necessary for there to be a merger of British Borneo territories and Brunei or independence for them before Federation or Confederation"<sup>4</sup>. It had been the wish of the Borneans to associate among themselves first before a broader merger with

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<sup>3</sup> The Straits Times, July 10, 1961, p. 1

<sup>4</sup> The Straits Times, July 8, 1961.



Malaya and Singapore.

Perhaps, to sum up, as a token of the initial response of the Sarawakians, we can quote Stephen Kalong Ningkan<sup>5</sup>, Secretary-General of Sarawak National Party (SNAP) when he said,

"Any attempt to put Sarawak under the influence and subjection of any foreign power would be strongly opposed. We could remain in the British Commonwealth"<sup>6</sup>.

The Tunku was tactful. He did not challenge the leaders for rejecting his proposal but put the blame on the communists as these, he said, would not have further grounds of insinuating against Malaya and the British once the Borneo territories joined the Federation. He pointed out that there were so many existing similarities between the Borneo territories and Malaya such as ethnic origins and characteristics, language, currency<sup>7</sup> and administration. He said this in spite of the earlier idea that the inclusion of the Borneo territories would help to off-set the numerical preponderance of the Chinese, should Singapore merge with Malaya<sup>8</sup>.

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<sup>5</sup> Stephen Kalong Ningkan was later to become Sarawak's first Chief Minister when Sarawak entered Malaysia.

<sup>6</sup> The Straits Times, July 6, 1961, p. 16

<sup>7</sup> Malaya and British Borneo shared the same currency, the Dollar.

<sup>8</sup> Malaysia in Brief, p. 8.

## **The Role of the Commonwealth Parliamentary Association (C.P.A.)**

The Sarawakians and the other Borneans, as we have seen, blatantly rejected the plan for Federation of Malaya. But this was short-lived and did not stand the test of time and circumstances. Their vehemence was slowly toned down and there were several reasons for this change of attitude. Particularly significant was the sending of the leaders, by the British administration, as representatives to the Commonwealth Parliamentary Association Conference in Singapore. Thus we see an instance of the role played by the British colonial administration. Another reason was the part played by the Malayan Government.

At the eighth regional conference of the Commonwealth Parliamentary Association in the Malaya-Borneo group, the Borneo representatives began their career as leaders responsible for the political life and future of their territories. The presence of the Borneo leaders at the CPA Conference marked a turning point in the Bornean attitudes.

Lee Kuan Yew, the Prime Minister of Singapore, directed his remarks to the representatives from Borneo,

"I would like to suggest that at the Conference you speak your minds frankly. Let us know what are the things that you feel have to be safeguarded. Let us know how they can be done and when"<sup>9</sup>.

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<sup>9</sup> The Straits Times, July 22, 1961.

The feelings of the Borneans was summed up by Donald Stephens when he said they did not reject the proposal once and for all but were willing to entertain the proposal. He added: "Therefore we want to make sure that the plunge (to the Federation) will take us forward and not backward. We do believe that the leap can be a great leap forward but to ensure this there are many questions which must first be settled"<sup>10</sup>.

### The Malaysia Solidarity Consultative Committee (MSCC)

At the Commonwealth Parliamentary Conference, it was suggested that the Malaysia proposal should not be ended there and then. During the CPA Conference, misgivings regarding local interests of the Borneans were expressed and views exchanged. As a result of preliminary examination, delegations from North Borneo and Sarawak took the initiative to propose the formation of the Malaysia Solidarity Consultative Committee (MSCC) of the CPA. Their joint statement stated inter alia,

"We have decided to form a Malaysia Solidarity Consultative Committee of representatives of each of the five territories. The object of the Consultative Committee would be to continue the explanations and discussions initiated at the Commonwealth Parliamentary Association and ensure that the impetus given to Malaysia is not slowed down . . . . . What emerged clearly from the

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<sup>10</sup> *Ibid.* p. 16.

Conference (CPA) was that the delegates who shape and mould public opinion in their respective territories were convinced both of the necessity and inevitability of Malaysia"<sup>11</sup>.

The formation of the MSCC proved crucial later. The delegates said, "If the concept of Malaysia is not to become another of forgotten dream, then the territories concerned should get down to discussing the details"<sup>12</sup>.

The Chairmanship of the MSCC was entrusted to a Bornean, Donald Stephens. This was more a tactical move than anything else. It was an inducement for Borneans to participate happily and enthusiastically in the Malaysian proposal. From the meetings<sup>13</sup> of the MSCC, the Borneo leaders had an invaluable experience of the intricacies of regional negotiations and bargaining. The representatives from Sarawak to the MSCC were Yeo Cheng Hoe as leader, Ong Kee Hui, Temenggong Jugah anak Baneng, Pengarah Montegrai anak Tugang, Dato Abang Haji Openg, Ling Beng Siew, James Wong, Remigius Durin anak Nganau. Participation in the formation of Malaysia meant the beginning of political awareness and a realization that they could work for a future which would eventually head to a national identity of their own. Some of these members to the

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<sup>11</sup> Memorandum of the MSCC, February, 1962, para. 2

<sup>12</sup> The Straits Times, July 28, 1961, p. 1

<sup>13</sup> The MSCC held four meetings between August 1961 and February 1962.

MSCC later became the "founding fathers" to Malaysia<sup>14</sup>.

The first meeting of the MSCC was held in Jesselton in August 1961. This was of little success principally because there were still strong opposition to the proposed Federation notably among the indigenous people and because of the uncertainty of the leaders themselves. Many delegates expressed the fear that the weaker and smaller states would be dominated by the stronger. In the proposed structure many fear that their state would be a Colony of the Federation or that they would be an unequal partner in the Federation. In the second meeting of the MSCC in Kuching in December, Yeo Cheng Hoe, the leader of the Sarawak delegation said that people in Sarawak were "full of doubts and questionings about this often talked-about mergers"<sup>15</sup>. The recent talks with regard to Malaya and Singapore, he said had caused great confusion in the minds of the people. He however hoped that the Conference may be able to recommend some concrete views in Malaysia.

It is interesting to note that at the time of the second MSCC meeting, posters were put up in certain places in Kuching reading: "Tengku, mind your own business. We can manage better without Malaya"<sup>16</sup>. This work was attributed to the clandestine Communist Organisation who opposed the idea of Malaysia.

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<sup>14</sup> Temenggong Jugah later became Federal Minister of Sarawak Affairs, Dato Abang Haji Openg became Sarawak's First Governor and James Wong became Deputy Chief Minister in Sarawak's first Cabinet.

<sup>15</sup> The Straits Times, August 25, 1961, p.9

<sup>16</sup> The Straits Times, December 19, 1961, p.13

For the second meeting of the MSCC, Dato Ong Yoke Lin, Malaya's Minister for Health and Social Welfare and Lee Kuan Yew came to Kuching. Dato Ong told the meeting that the association of the territories could hardly fail as they had a common cultural heritage, links forged in history, common economic factors, common security threats and the need for similar defence thinking and their administrative and judicial services were produced out of the same mould. Lee Kuan Yew added: "Malaysia is our own creation. It is our nationalistic answer to our problems of viability and survival ....".

The Second MSCC had made a great drive that Dato Ong said afterwards, "I think I can really say that we have made great strides towards the realisation of Malaysia"<sup>17</sup>. After the second meeting, the Sarawak Government published a White Paper entitled "Malaysia and Sarawak". It referred to agreement made between the Tunku and the British Government and their joint statement in London that Malaysia is a desirable aim<sup>18</sup>. The statement on 23rd November 1961, had said that the two governments had decided to set up a commission of enquiry to ascertain the views of the peoples of Sarawak and Sabah. This White Paper announced that this commission would be visiting Sarawak. It also took up the historical and persuasive approach of the Malayan leaders. It stated: "The people of Malaya and Borneo have cultural, economic and historical ties which make them fit naturally together as a group. This is universally recognised

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<sup>17</sup> The Straits Times, Dec. 21, 1961.

<sup>18</sup> This Agreement will be referred to later.

and at the recent solidarity consultative committee all delegates supported the concept<sup>19</sup>.

It may be noted that the Sarawak Government at that time was under the control of the British colonial office and the role of the British in this matter was reflected in the White Paper which the Sarawak Government published.

The third meeting of the MSCC was held in Kuala Lumpur on 8th January, 1962. The discussion centred around the constitutional and political issues already partly dealt with in Kuching. The final meeting took place in Singapore on 1st February. The head of the Malayan delegation this time was Mohammad Khir Johari. His arguments emphasised the fear of communist interference especially the statement by the Communist Part of Indonesia which said that Malaysia was a British Neo-colonialist plot and which stated clearly its opposition to the conference.

The meetings had gone too far to turn back. Yusuf bin Ishak, the Yang di-Pertuan Negara of Singapore in addressing the delegates said that the territories had reached common ground on broad constitutional issues, like strong effective Central Government in charge of defence, external affairs, and internal security and on details such as control of migration, religion, education, national language, and other safeguards for local interests<sup>20</sup>. At the fourth

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<sup>19</sup> Malaysia and Sarawak, Dept. of Information, Kuching, 1962, p.1

<sup>20</sup> The Straits Times, Feb. 2, 1962, p.11

and final MSCC meeting, the Borneo leaders signed the memorandum which set out all the proposals and recommendations arising out of the four meetings. The memorandum could be found affixed to the Cobbold Commission Report at page 98.

The memorandum supported the Malaysia concept but recognised the need for the widest possible dissemination of all information relating to Malaysia among the peoples of the territories so that all would appreciate the vital necessity of the realisation of Malaysia as soon as possible. It was agreed that components states should retain their identity and autonomy. Malaysia, it said, should be a federation not a union with a strong central government. Borneo territories according to the negotiations should have certain local safeguards for example the control of immigration, special provisions for taxation, customs and other fiscal matters to ensure that the less developed economy of the Borneo territories ~~was~~ not suddenly upset by the application of a unified Malaysian customs and excise duties.

Among other things agreed into the MSCC meetings as stated in the memorandum were the following:-

(a) Sovereignty<sup>21</sup>

The Committee accepted the principle that the Federation of

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<sup>21</sup> Malaysia Solidarity Consultative Committee Memorandum on Malaysia, Feb. 1962, paragraph 12.



Malaysia should have a constitutional Head of State and that there was no reason to discontinue the system of appointment of the Yang Di-Pertuan Agong. The Sovereignty of the Ruler of each state would be guaranteed. Sarawak and North Borneo would each have a Head of State and each would have a constitution of its own and its powers defined.

(b) Islam and Religious Freedom<sup>22</sup>

The Committee was satisfied that Islam as the religion of the Federation would not endanger religious freedom nor would it make Malaysia a state less secular. Every person should have a right to profess and practice his religion. Every religious group should be assured of its right to manage its own religious affairs, to establish and maintain institutions for religious or charitable purposes and to acquire its own property and hold administer it in accordance with the law.

(c) Election of Representatives to Federal Parliament and State Legislatures<sup>23</sup>

Sarawak's electoral college system might for the time being be retained under Malaysia in view of the fact that it's political

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<sup>22</sup> Ibid., Paragraph 13.

<sup>23</sup> Ibid., Paragraph 16.

advancement was at a different stage from the other states.

Representatives for the Federal Parliament might be elected by the Council Negri from among its members. However direct elections was desirable and should be introduced at a proper time. The Borneo territories, it was agreed, would be adequately represented in the Federal Parliament and the practice of giving weightage to representation for less densely populated areas would be adopted.

(d) National Language and the Position of English<sup>24</sup>

Malay was accepted to be the national language as it is the "lingua franca" of the region. A period of ten years was given whereby English could still continue to be for official purposes and in the case of Sarawak and Sabah, this period might be extended. English as an international language should maintain its place. Nevertheless complete integration of the educational system was desirable and that the National Language was to be used as soon as possible.

(e) Migration<sup>25</sup>

The Central Government would be responsible for immigration from outside the Federation but it was realised that the Borneo States would not be happy if there were no safeguards to control immigration

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<sup>24</sup> Ibid., paragraphs 20, 21, 22 & 23.

<sup>25</sup> Ibid., para. 24.

from other parts of Malaysia. Such control would be devised by constitutional experts.

(f) Citizenship<sup>26</sup>

Every British subject born in Sarawak or naturalised before the date the Federation of Malaya comes into existence, would become a citizen of the Federation.

(g) Positions of Indigenous People<sup>27</sup>

The indigenous people of Borneo territories should be placed in the same position as the Malays under the existing constitution of the Federation of Malaya. The provisions related to reservation of positions in public services, scholarships and other similar educational or training programmes and special facilities relating to trade or business in order that they may be able to take their rightful places along with other communities. But the rights and legitimate interests of the other communities would be adequately safeguarded.

(h) State, Federal and Concurrent Lists<sup>28</sup>

This should remain as it was in the existing management in the Federal Constitution of the Federation of Malaya subject to local autonomies, for instance, immigration to the Borneo States.

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<sup>26</sup> Ibid., para. 29

<sup>27</sup> Ibid., para. 36

<sup>28</sup> Ibid., para. 38

(g) Civil Service<sup>29</sup>

State civil service appointments would be under the control of the respective state governments. Expatriate officers then serving in the Borneo territories would continue to serve until local officers are found to take their places so as not to disrupt the existing machinery of the Government.

(h) Allocation of Development Funds and Scholarships<sup>30</sup>

The Committee suggests that the amount should not depend on the size of the state but on priorities so that the less developed state would get a greater share of such funds. State scholarship would remain a state matter. In regard to Federal and Colombo Plan Scholarship, candidates would be selected on a fair basis according to merit.

The communique issued after the final meeting of the MSCC in Singapore sets out the major constitutional proposals and recommendations which the Borneans demanded as a condition of their territories joining Malaysia. Through the MSCC the Malaysia proposal became a reality not a mere idea. The negotiations was crucial in bringing about a change in the attitudes of the Borneans. What is more noteworthy is the fact that the MSCC findings formed part of the basis of the findings of the Cobbold Commission later.

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<sup>29</sup> Ibid., para. 39.

<sup>30</sup> Ibid., para. 44.

It was also suggested that intensive programmes be arranged for exchange of visits of people at all levels between Malaya and Sarawak and North Borneo. The intention is all too clear. The progress in rural development was an attractive feature to the visitors from Sarawak. There was also seen racial harmony. Added to that Malaya had a record of economic success since attaining independence. The work of the MSCC, the publicity campaigns and the reports of the community leaders who had visited Malaya on the exchange programmes laid the groundwork for the proposed Federation. These visits were sponsored by the Federation Government. The visitors returned to Sarawak full of praise for the leaders of Malaya and they were convinced that Malaysia would bring to Sarawak the same success as the Federation of Malaya had achieved.

## **CHAPTER IV**

### **FORMAL CONSULTATIONS**

The Malaysian Solidarity Consultative Committee (MSCC) meetings had been convened by the leaders from the territories (Malaya, Singapore, Sarawak, Brunei and Sabah) at an unofficial level. The meetings had been crucial to the realisation of the Malaysia plan but<sup>it</sup> was the work of the Cobbold Commission and later the Inter-Governmental Committee which made the Malaysia proposal appear at a more official and formal level.

#### **A. JOINT STATEMENT BY BRITISH AND MALAYAN GOVERNMENT**

Tunku Abdul Rahman's proposal on the 27th May, 1961 at a press luncheon in Singapore about the practicality of the association of the five territories was welcomed by the British Government<sup>1</sup>. On the 13th October it was announced he had accepted an invitation to come to London in November 1961 for discussions with the object of reaching an understanding on the broad issues and to prepare the way for consultation with the Borneo territories without which no commitment could be entered into. Meanwhile Tunku Abdul Rahman had carried through a motion in the Malayan Parliament on 16th October 1961, approving the Malaysia Plan in principle. In the meantime also on the 23rd

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<sup>1</sup> On June 20th 1961, British Prime Minister referred to the proposal in the House of Commons and said it was a "constructive suggestion".

August, 1961, broad agreement had been reached in principle between the Prime Ministers of the Federation of Malaya and Singapore for the merger of the two territories. A memorandum setting out Heads of Agreement was published as Singapore White Paper (Command 33 of 1961) on 15th November, 1961.

The Tunku had accepted the invitation from the British Government to discuss the Malaysia Plan in London. Discussions were held on the 20th, 21st and 22nd November, 1961. At the end of the discussions and Joint Statement by the British and Malayan Government was issued on the 23rd November 1961<sup>2</sup>. The Joint Statement declared that the British and Malayan Governments are convinced that the creation of a "Federation of Malaysia is a desirable aim". But it was stated that before coming to any final decision it is necessary to ascertain the views of the peoples of North Borneo and Sarawak. Accordingly, a commission was to be set up to carry out this task and make recommendations.

Further, it was stated in the Joint Statement that in regard to defence matters it was decided that in the event of formation of the proposed Federation of Malaysia, the existing Defence Agreement between Britain and Malaysia should be extended to embrace the other territories concerned. The Government of the Federation of Malaysia, it was agreed, should afford the Government of the United Kingdom the right to continue to maintain bases at Singapore for the

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<sup>2</sup> Published in the United Kingdom as White Paper (Cmmd. 1563).

purpose of assisting in the defence of Malaysia, and for the Commonwealth defence and for the preservation of peace in South East Asia.

It was these talks that the leader of the Sarawak delegation at the second MSCC meeting, Yeo Cheng Hoe, referred to when he said, "far from being reassuring, what transpired in those debates seems to have caused greater confusion in the minds of our people here"<sup>3</sup>.

## **B. THE COBBOLD COMMISSION**

### **1. Formation**

It has already been seen above that the idea of forming a commission to ascertain the views of the people of Sabah and Sarawak arose during the course of the discussion between the Malayan Government and the British Government in London on 20th to 22nd November 1961<sup>4</sup>. It is therefore seen that the appointment of the Cobbold Commission was primarily the work of the British and Malayan Governments without the Borneo territories having any say as to whether they in the first place wanted such a commission at all.

The appointment of the Chairman and members of the Commission was announced by the British and Malayan Government on the 16th January, 1962. After an initial difference of opinion regarding its chairmanship,

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<sup>3</sup> The Straits Times, Dec. 20, 1961, p.13

<sup>4</sup> Joint Statement of the Malayan and British Government, Nov. 23rd, 1961, para. 4.



the Commission came to consist of Lord Cebbold as Chairman and Sir Anthony Abett and Sir David Waterston as British Government nominees and Dato Wong Pow Nee and Muhammad Ghazali Shafie as nominees of the Malayan Government.

## 2. Terms of Reference

The Commission's terms of reference was set out as follows:

"Having regard to the expressed agreement of the Governments of the United Kingdom and Federation that the inclusion of North Borneo and Sarawak (together with other territories) in the proposed Federation of Malaysia is a desirable aim in the interests of the people of the territories concerned -

- (a) to ascertain the views of the people of North Borneo and Sarawak on this question; and
- (b) in the light of their assessment of these views, to make recommendations".

## 3. Arrangements for Visits, Method and Scope<sup>of</sup> Assessment

Before their arrival in Kuching on 19th February 1962, arrangements had been made by the Sarawak Government to prepare for their travel and accommodation. On January 4th, 1962 the Sarawak Government had published a White Paper announcing the coming of the Commission. This was meant to be a source of knowledge to the largely illiterate adult populations of rural Sarawak. Their secretary

had visited Kuching during the preceeding week. The Commission held sittings in all but one of the Districts. This hearing was held at twenty different places over a total period of four weeks. This therefore involved an extensive programme of travelling by air, river and road. Some quite remote areas in the interior were visited to provide an opportunity for them to see at first hand, the conditions in those areas.

All persons who wished to submit written memorandum to the Commission were invited to do so. Some 1600 letters and memoranda were received in Sarawak from town boards, district councils, associations of many kinds, political parties, chambers of commerce, trade unions, religious leaders, members of executive and legislative councils, native chiefs, community leaders and a large numbers of individual members of the public. The Commission found these of invaluable help<sup>5</sup>.

An open invitation to appear before the Commission was extended to all persons who wished to give oral evidence. The Commission found the public's response to this impressive and gratifying. It held hearings at 20 centres in Sarawak. All in all over 4000 persons appeared before the Commission. All hearings were conducted in private and submissions given were treated as confidential. Anyone who wished to state a different view or to contribute additional points was given full opportunity

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<sup>5</sup> Cobbold Commission Report, p. 2.

to do so<sup>6</sup>.

#### 4. Assessment and Findings

It is only necessary to highlight the more important findings of the Commission at this stage. The scope of the Commission's findings and assessment is very extensive. It includes observation on political development, racial relations, political parties, peoples' attitudes towards Malaysia and towards the British Colonial administration, peoples' demands and their opinions in general.

- (a) race relations : The Commission observed that the most fundamental question in multi-racial Sarawak was that of race relations<sup>7</sup>. It found that in Sarawak racial relations had been excellent so long as the reins of power were firmly in the hands of the colonial administration. However, the Commission saw that conflict would arise when a transfer of power was contemplated and the indigenous people became aware of the prospect of having to share political power with the immigrant races at a time when they would feel themselves still economically backward. The emotional identification by races would become intensified as a result of fear and desire for protection against the domination of other race groups. At the time, the Commission was doing its work, four political

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<sup>6</sup> Cobbold Commission Report, p. 3

<sup>7</sup> Ibid., p. 6.

parties had emerged<sup>8</sup>. The Commission found that there was realignment of political forces along racial lines and it appreciated such development as the Malaysia proposal had set in motion a <sup>competition</sup> completion for power.

More interesting perhaps, was the question of the relations between the Malays and the other indigenous groups. Although there was no ideological overtones, the prospect of Malaysia was viewed by the Non-Malay natives in certain quarters as Malay domination. The suggested name Malaysia for the Federation, and of Malay as the National Language and Islam as the National Religion, had tended to underline these misgivings.

The Commission emphasized that in view of these political forces, new constitutional arrangements should be designed not only with full awareness of these factors but also with the deliberate intention of removing the fundamental causes of these disharmonies in so far as they could be removed by constitutional arrangements<sup>9</sup>. The Commission said that the Chinese and the indigenous peoples were both an integral part of the population, both had their part to play in the future and it was essential that they should live and work in harmony.

<sup>8</sup> S.U.P.P., Parti Negara (PANAS), S.N.A.P., BARJASA.

<sup>9</sup> Cobbold Commission Report, p. 7

- (b) attitude towards the Head of State: The Commission found that there was confusion in the popular mind between the functions of a constitutional Head of State and those of the officer who actually wielded executive authority. The attitude of the indigenous people on the one hand and of the immigrant race on the other, to the concept of the Head of State was an interesting reflection of the communal conflict. The native races insisted that the Head of State should be a native reflecting their concept of the return of the power of Government from the British Government to themselves, and the immigrant races had likewise insisted that anyone born in Sarawak should be eligible for the office, reflecting their concept of the transfer of power from the British Government to the people of Sarawak. The native population's insistence on a native being the Head of State stemmed from the anxiety to utilise what they believed were the political powers of the office to correct this imbalance of economic power between themselves and the immigrant races<sup>10</sup>.

Some, however, favoured the arrangement that the Head of State of Sarawak should be eligible to be Head of the Federation of Malaysia, while others, a smaller, element, favoured a popularly elected Head of the Federation.

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<sup>10</sup> Ibid.

- (c) attitudes towards the British Colonial Government<sup>11</sup> : The Commission observed that the Colonial Government was held in high esteem in Sarawak notably for its impartiality. The Commission thought that in a multi-racial society the quality of impartiality is exceeding important. The British officials, it said, had an intimate knowledge of the people and of the requirements and possibilities of the country. For these reasons, the Commission found that any new arrangements should not cause an exodus of the present British officials, but should encourage them to remain in service in Sarawak until their places could be taken by the local people with the necessary qualifications.
- (d) attitudes towards Malaysia : The Commission as a whole endorsed as a general approximation that about one-third of the population strongly favoured early realisation of Malaysia without too much concern about the terms and conditions of association with it. Another third, many of them favourable to the Malaysian project, asked with varying degrees of emphasis, for conditions and safeguards varying in nature and extent. Their support would be largely influenced by a firm expression of opinion by Governments that the detailed arrangements eventually agreed upon were in the interests of the territories. The remaining third was divided

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<sup>11</sup> Ibid., p.8.

between those who insisted on independence before formation of Malaysia was considered and those who strongly preferred to see British rule continue for some more years to come. The Commission thought that once a firm decision was taken, quite a number of people in the third category were likely to abandon their opposition and decide to make the best of a doubtful job. However there would remain a hard core, vocal and politically active <sup>group</sup> which would oppose Malaysia on any terms unless it was preceded by independence and self-government. This hard core amounted to nearly 20 percent in Sarawak.

The Commission found that a very large number of supporters of the Malaysian concept were influenced by the admiration for the Malayan Prime Minister and his colleagues for their firm leadership and their imaginative policies in rural development. Those who had visited the Federation of Malaya were very impressed by the economic and social progress found there and were anxious that similar progress be enjoyed by Sarawak within Malaysia. The Commission noted that unfortunate repercussion would follow if these hopes were not realised. Another factor that really gave support to the concept of Malaysia was the firm stand by the Malayan Government to communist designs. Those who favoured Malaysia expressed a

general desire that the formation should be brought about as soon as possible<sup>12</sup>. This arose because the recent proposal had set in motion a certain degree of politicization which required a clear indication of Sarawak's constitutional future as soon as possible. At the same time, the increasing threat of communism had to be combated by the formation of the new federation. The natives wanted the formation soon to accelerate efforts to improve their economic future. Those in favour of Malaysia also desired the new Federation to have a strong Central Government which could deal effectively with matters relating to external relations, defence, internal security and economic development.

Those who opposed Malaysia based their opposition on the demand for independence, after the achievement of which there was general readiness to consider the possibility of Malaysia. This opinion springs from a genuine fear of discrimination after Malaysia, a feeling among the Chinese that their status would be reduced to that of "second class citizens" and among the natives that their customary laws and practices would be affected. Similarly, there is concern that Malaysia would entail migration from the other territories of the new Federation and also that such

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<sup>12</sup> Ibid., p. 10.



safeguards as may be given could be removed at a later stage by the Central Government. Assurances were sought in these points by people and if their misgivings were met many might well come round to support Malaysia.

The ideological position of the leaderships in the Federation also attracted opposition from certain quarters. Malaysia posed as a threat to those Chinese who were emotionally or ideologically inclined to China. However a more important factor giving rise to opposition was a dislike of the change and the fear of the unknown. The existing British colonial administration was well-liked and admired. Many see no need for a Malaysian proposal. Things were alright as they were. This was particularly felt by the Chinese business community.

- (e) position of the natives: The Commission found that the native populations expressed a general desire that special privileges should be given to them analogous to that of the Malays in the Constitution of the Federation of Malaya. There was a general agreement that economic development should be accelerated and increased attention paid to education, with particular reference to the needs of the natives. Current emphasis was laid on the need to safeguard customary rights and practices especially

with respect to land, forestry and agriculture which they said should be controlled by the State Government, not <sup>the</sup> Central Government. The Chinese raised no objection to the continuation of the existing rights of the natives of Sarawak but they strongly oppose the introduction of any formal provisions in the Constitution in favour of the indigenous races. Although there is a need to accelerate the progress of the natives races, this should be done for a limited period as a matter of Government policy not by insertion of provisions in the Constitution.

(f) immigration: There was a general desire that immigration into Sarawak from other territories of the proposed Federation should be under the control of the State authorities. There was a fear that, on the establishment of Malaysia, the people of Malaya would migrate in large numbers to Sarawak to take advantage of land and opportunities available, to the detriment of the people of Sarawak themselves.

(g) administrative matters: Many thought that there should be no rapid change in the administrative arrangements affecting the daily life of the people, or in such matters as taxation. There was a fear that a large proportion of Sarawak's revenue would be handed over to the Federal Government without a corresponding return in

the shape of services to the people of Sarawak. On the question of the Public Service, the general desire was to retain the expatriate government officers until natives of Sarawak have had the education and training to take over from them. "Borneanisation" of the public services should be accelerated. The natives expressed their wish to have a fair chance of serving in the Federation's armed forces.

- (h) religion : The Commission found differences of opinions on the question of acceptancy of Islam as the national religion for Malaysia as a whole and towards its particular application to Sarawak. Much emphasis was placed on the need for freedom of religion as it existed at the time. Many expressed the general feeling that Sarawak should be a secular state and suggestion was made that if Muslims were given assistance from Federal funds, other religions should enjoy similar treatment. The Malays however expressed the opinion that Islam should be the national religion but there should be freedom for other religions.

- (i) national and official languages: There were also differences in opinion towards Malay as the national language. Some suggested that there should be no national language. Some Ibans wanted it to be Iban. The Malays agreed that it should be Malay but it

should be permissible to use English or Iban. The Chinese held the view that whatever decision was reached about a national language, English should be retained as an official language indefinitely and the Chinese (Mandarin) should be one of the official languages. Some Ibans also wanted Iban as well as English to be the official languages. Many wanted English to remain as the medium of instruction in schools, provided that the study of other languages was not prevented.

- (j) citizenship: The Chinese had much anxiety about this all from the fear that even if they and their forebears had been born in Sarawak, they would under Malaysia become second class citizens with a status inferior to that of the indigenous races. They were anxious that future citizenship law should make no change in the current arrangements under which all persons born in Sarawak were automatically citizens without residential qualifications and that persons who had resided in Sarawak for a total of 5 years out of the 8 years immediately preceeding the date of application were eligible to apply for naturalisation.

- (k) general constitutional issues: There was a conflict regarding the constitutional allocation of the legislative powers between the Federal and State Governments in the new Federation and to the

question of formula for representation in the new Parliament.

Many Ibans were opposed to the idea that Sarawak should be treated as only one of the 15 states in the would-be Federation.

They maintained that this would give her too small a voice in the new Federation's affairs. There must be adequate representation for Sarawak in the Federal Government. The Chinese also expressed similar opinion. Sarawak's size alone justified favourable treatment. Some requested that Sarawak's representation should be one seat in every five.

Some thought that education should be a Federal subject and to be equalised throughout Malaysia as soon as possible. Education should include free primary and if possible free secondary education.

Some suggested that there should be a right to withdraw from the new Federation. There should be such a right for at least five years and that this should be provided for in the Federal constitution.

Many demanded that powers reserved in the Constitution to a state might not be changed without the agreement of the state and if there was a change in the Federal Constitution which had not been accepted by Sarawak, that circumstance would be one by which

Sarawak could apply for withdrawal from the Federation.

Some argued that an entirely new Federal Constitution should be drawn up.

Such were the observations made by the Cobbold Commission. It covered a very wide range of topics and based on these observations, the Commission made its recommendations.

#### 5. Recommendations

The Commission recommended that, subject to a certain line of approaches and conditions, a Federation of Malaysia was an attractive and workable project and was in the best interest of the Borneo territories. Any lingering misgivings, which some people had about the 'Malaysia' proposal could be removed if the colonial administration could unequivocally commend the Malaysia proposal to them. A Federation of the Borneo territories as an alternative was not regarded by the Commission as such an attractive prospect as that of Malaysia.

There was considerable measure of concurrence among the members of the Commission on the appropriate basis for the entry of the Borneo states to the Federation of Malaysia. However, the British members of the Commission and the Malayan members expressed divergent opinions in certain matters. It is necessary for the purpose of this

paper to give only the general recommendations of the Commission.

- (a) Constitution : It was considered impracticable to draw up an entirely new Federal constitution. The Federation of Malaya Constitution should be the basis of the Constitution of the new Federation and for the purpose of its formation. The entry of Sarawak was to be effectual by the necessary amendments to the Constitution. With the admission of the new territories, the Federation of Malaya would cease to exist as a political entity and would be succeeded by the Federation of Malaysia.

In view of the special circumstances which applied to the Borneo territories, autonomy and safeguards should be given on certain matters which were not enjoyed by the other states. Some form of guarantee should be provided whereby no amendment, modification or withdrawal of whatever special powers of safeguards were given could be made by the Central Government, without the the positive concurrence of the state concerned. Appropriate provisions should be made in the Constitution to ensure special safeguards for the interests of Sarawak and North Borneo. The power of amending the Constitution of each state should belong exclusively to the people of the state.

There should, however, be a strong Central Government,

with states enjoying a measure of autonomy and retaining their individual identity.

The division in the New Constitution between Federal, State and concurrent lists should broadly follow the lines of the existing Constitution of the Federation of Malaya. It was recommended that amendments should be made to the list in the case of Shipping and Navigation and Fisheries. Provisions regarding Welfare of Aborigines should not apply to the Borneo territories. Special consideration should be given to the question of Labour and Social Security, Land, Agriculture and Forestry and Native Customs and Usage should be under the sole control of the State Government.

Finance, trade and tariffs should be on a federal list, but integration of Federal and State practice should be taken gradually and after careful study by a Working Party.

Education should be on the Federal List, but integration of Federal and State practice should take place gradually. Existing policies as to the place of English as a medium of instruction should be maintained.

(b) name of the Federation : Although there was opposition to the name



"Malaysia" particularly from the Non-Muslims, the Commission thought that no other name would be appropriate in view of the geographical-historical relevance of the name and its wide current usage.

- (c) Head of the Federation : The Commission sympathised with those who felt strongly that Heads of Sarawak should be eligible for appointment as Head of the Federation but this arrangement the Commission thought, would create undue disturbance to the existing arrangements in Malaya.
- (d) religion : There were differences of opinion among the members of the Commission on this point. The British members realised that the Non-Muslim communities insisted that there should be complete religious freedom as to worship, education and propagation, in the Borneo territories. They recommended the insertion in the State Constitution of a specific provision to this effect. The British members recommended that the provisions of the Federal Constitution making Islam the national religion should not be extended to the Borneo territories in the meantime but they considered that this could be left to be decided by the people themselves at a later stage when fully elected representative bodies were constituted.

The Malayan members agreed that Islam should be the national religion of the Federation and that this would in no way jeopardise freedom of religion in the Federation. They declined to recommend on the question of spending public expenditure for Islamic purposes. There were strong opposition for this but they thought that to do away with this constitutional provision already in the Malayan Constitution would do violence to the Constitution.

- (e) language: Malay approached more nearly than any other language to a "lingua franca" in Borneo and by making it the national language need not give any offence to the Non-Malay population. However, the Commission reserved this as a matter for the people of Borneo to decide for themselves when fully elected representative bodies have been constituted.

The British members recommended that a provision be provided to make Malay and English as official languages without any time limit in the Borneo states. The Malayan members felt this could not be accepted without doing undue violence to the existing Constitution of the Federation of Malaya. They, therefore, recommended that English should continue as an official language in the Borneo states along with Malay for a period of 10 years after the establishment of Malaysia and to continue thereafter until such

time as the Central Government in consultation with the State Government of the territory concerned provides otherwise. The Central Government should not institute any move without the prior consultation with the State Government. The Commission also recommended the use of Malay, English or any of the indigenous language at the time in use in the respective state assembly to be used for debates and discussions in the state assemblies. This should remain so for a period of 10 years after the establishment of Malaysia and thereafter until the State Government decides otherwise.

- (f) immigration: The Commission was aware that the demand of the Sarawakians that entry into Sarawak from any other Malaysian territory should be within the control of the State would conflict with the fundamental liberties of freedom of movement of the citizen as guaranteed by the Constitution. It nevertheless recommended this to be so in view of the special nature of the situation and thought that this was a legitimate and essential requirement. The free movement of persons in this service of the Central Government such as federal officers should, it was recommended, be guaranteed by the State Government. The Commission considered the use of Visitor's Permit valid for three months in order to encourage exchange of visits among the peoples of Malaysia and the creation

of a Malaysia sense of national unity. It was recommended that there should be no restrictions on movements from Sarawak into Malaya.

Control over immigration into any part of Malaysia from outside should rest with the Central Government subject to the approval of the State Government, if such entry is to Sarawak.

(g) Borneanisation of the Public Services and Expatriate Officers :

Every effort should be made to encourage British Officers to remain in the services until their places can be taken by qualified people from the Borneo territories. Borneanisation of the public services should proceed as rapidly as possible. There should be no change in administrative arrangements in so far as they affect the lives of the people.

(h) Citizenship : The Commission recommended that a citizen of the United Kingdom and colonies born in Sarawak or naturalised there before the date on which Malaysia came into effect should by operation of Law become a citizen of the Federation of Malaysia. A person in this category would be deemed to be permanently residing in the State if he had resided there for a continuous period of five years immediately before the formation of Malaysia.

The Commission also recommended that after the formation of Malaysia, the existing provision of the Constitution of the Federation of Malaya relating to acquisition and termination of citizenship should apply "mutatis mutandis". This meant that persons already citizens in Sarawak by virtue of birth could by operation of law become citizens of the Federation.

A person resident in Sarawak on the date of which Malaysia came into being should be eligible to apply for registration as citizen of Malaysia at any time during the first eight years after that date if certain requirements were fulfilled. He must have resided in the State for a period of 8 out of the 12 years preceding his application and which included 12 months immediately preceding his application. He must intend to reside permanently in the Federation and was of good character. The Commission recommended that the formalities for obtaining citizenship should be reduced to the minimum. The language test should apply in the application for citizenship.

- (i) right to secede : The Commission strongly felt that if it was decided to create a Federation, the decisions should be made whole heartedly and without reservations. The inclusion of a secession clause in the Constitution was not recommended as this

would mean that throughout the trial period political and perhaps racial divisions would continue.

- (j) representations in the Federal Parliament : This should take account not only of the population of Sarawak but also its size and potentialities.
- (k) special position of the indigenous people : The natives should be placed in a position analogous to that of the Malays in the Constitution of the Federation of Malaya. The Malayan members felt that the provisions for the special position of the indigenous races should not be subject to review separately from any review of the position of the Malays as a whole. The British members feel that the provisions should be reviewed not later than 10 years after they come into force.
- (l) Development : Special and urgent attention should be given to the development in the fields of rural improvement, education, medical and other social services and training of candidates for administrative and technical posts.
- (m) the judiciary : A separate High Court should be maintained in the Borneo territories and a Federal Supreme Court should have appellate jurisdiction throughout the Federation. Details should

be left to a proposed Working Party.

- (n) Head of state : It was recommended that, in the first instance, the appointment should be made by His Majesty, The Yang Di-Pertuan Agong on a joint nomination of Her Majesty the Queen and His Majesty. The title to be conferred to the Head of State was "Governor".

The Commission urged that any arrangements in the early years of the Federation should provide continuity of administration in the Borneo territories and should not result in any weakening either real or apparent of authority of the State Government. The Commission endorsed that the consultative machinery including joint working parties should be set up as soon as possible after a decision was taken to proceed with the Malaysia project, in order to work out the details of integration of Sarawak into a new Federation.

The Commission thought that the Malaysia project was an attractive and workable one. Whatever decision might be taken about Malaysia, the harmony that had existed among the races should not be disturbed. The Commission noted that, in recent months, the controversy arising from the sudden introduction of the Malaysia proposal and the natural development of political parties had disrupted the harmony and there

were unwelcome signs of division on racial lines, going as far as to prejudice long-standing personal friendships. Efforts should be made to arrest these tendencies.

In its recommendations therefore the Commission dealt with political and constitutional issues such as representation in the Federal Parliament, special position of the indigenous races, development, the judiciary, public services, federal constitution, finance, education and the head of state. The Commission had tried its best to be understanding, frank and impartial. It was however, a Commission appointed by the British and Malayan Governments and this fact showed that it would favour proceeding with the formation of Malaysia.

Nevertheless, it would be interesting to see how much the final and official arrangements deviate from the recommendations of the Cobbold Commission.



## CHAPTER V

### ROLE OF COLONIAL GOVERNMENT

It seems clear that the colonial administration had a lot to do to decure the entry of Sarawak into Malaysia. As had been noted by the Cobbold Commission, the Colonial Government was held in high regard for its efficiency and impartiality. Many, particularly the Dayaks, thought that whatever the British planned for them must be for their benefit. The Dayaks had little experience in politics but it was their acquiescence to the proposal that permitted the British to claim that the majority of the population wished to have independence through Malaysia.

The Cobbold Commission was appointed by the British Government and the Malayan Government. From their report, it is clear that the Commission realised that the Islamic communities were enthusiastic about Malaysia, the Chinese opposed it and the Dayaks still politically backward to appreciate fully the whole scheme<sup>1</sup>. The Commission attached little weight to the Opposition evidence characterising it as communist-influenced. On the other hand, it did not particularly concerned itself with the depth of understanding of those who supported Malaysia nor questioned the representative character of the 51 elected chiefs who sought to represent the 112,000 Ibans.<sup>2</sup> But it was the opinion of these persons to which the Commission attached great weight. One could then

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<sup>1</sup> Cobbold Commission Report, pp. 11 - 26

<sup>2</sup> Ibid., p. 12.

ask whether the Cobbold Commission functioned as a cover to legitimize British decision to withdraw from Sarawak without having first granted self-government as promised at the time of cession of Sarawak by the Brooke Rajah to the British Crown and as embodies in the Nine Cardinal Principles.

The British officers in Sarawak, many of them having local influence being District Officers, were well aware that in the long run the Federal Government would insist upon strong central government with tight control as was the case in Malaya, but for the purpose of <sup>securing</sup> receiving entry into Malaysia, they wished that the Dayaks especially be given a feeling that they had some measure of control. This became essential especially at the height of the Indonesian Confrontation in 1963 when Dayak loyalty was critical. Perhaps, many expatriate officers were not pleased with the role they had to play but being servants of the Government, they had to make the best out of the situation.

The Sarawak United Peoples' Party (SUPP) being strongly opposed to Malaysia became the target of the colonial Government's antipathy. Just prior to the 1963 election, SUPP appeared to be the strongest party with massive Chinese support and strong Kedayans, Land Dayaks, pro-Brunei Malays in the fifth Division and Ibans in the third Division. The Colonial Government therefore did its best to undermine SUPP as a multi-racial nationalist party and to limit its base to the Chinese — various methods were employed, the obvious being to publicize communist influence in SUPP which, to a certain extent, was

undeniably true. However there were limits to the measures the Government could take or any drastic measures could be tested in court. The most effective approach was to dissuade the indigenous people from joining or remaining in SUPP. This the Colonial Government did mainly at local level.

At local level powers were exercised through District Officers who had extensive discretionary powers mostly uncontrolled except when any major abuse occurred<sup>3</sup>. These District Officers had discretionary powerst to grant shot-gun permits and cartridges, to allow access to another district, or to give permission to engage in any one of the regulated activities. The privileges were granted on the basis of his personal appraisal of the man who appeared before the District Officer. Therefore, given the paternal relationship between British District Officers and the Dayaks, the District Officers were bound to exert tremendous influence especially among the native chiefs who were directly under them. The Officers were instructed to promote Malaysia not to be neutral on the issue<sup>4</sup>. The more active among them sometimes dispatched armed security officers and dramatically escorted a prominent local SUPP leader to the district headquarters. He would be asked whether he would resign from the party. If he said he would, a letter of resignation would be typed out for him and copies sent to the Police Superintendent and to Radio Sarawak. If he said he would not

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<sup>3</sup> Michael B. Leigh, The Rising Monn, 1st ed. Sydney University Press, 1974, p. 42.

<sup>4</sup> Ibid.

he might well find his movement restricted<sup>5</sup>.

At state level, the influence of the Colonial Administration was also exercised through a series of Ordinances designed to regulate the exigencies of party politics.

For instance, the Preservation of Public Order Security Ordinance, the Societies Ordinance and the Trade Union Ordinance each conferred powers to act against "subversive" influence without declaring a state of emergency. The Governor could invoke certain provisions merely by notification in the Gazette. A month after the passing of the Preservation of Public Order Security Ordinance, four SUPP Central Committee members were detained and left the country on deportation order<sup>6</sup>. The Restricted Residence Ordinance, 1961, made provisions that the Chief Secretary could order a person to be restricted to reside in any area if, in his opinion, he acted in a manner prejudicial to peace, order, good government or maintenance of essential services. This decision, as is often the case, was not subject to challenge in the court. By August 1963, forty-seven persons were so restricted, the Government contending that they were members of the clandestine communist organisation<sup>7</sup>. The Public Order Ordinance 1962 provided for prohibition of any meeting of five or more persons in any public place to discuss matters of public interest without permission. This was often

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5. *Ibid.*, p. 43

<sup>6</sup> The Sarawak Tribune, 4 July 1962.

<sup>7</sup> United Nations Malaysia Mission Report, 1964, pp. 67 - 68.

used prohibiting such meetings in Kuching District. The Local Newspapers Ordinance provided that licences of printing presses were liable to be cancelled if they carried seditious matters.

Prior to the 1963 election, the Colonial Government permitted civil servants to stand for election and promised to allow defeated candidates to re-enter government service. This ruling allowed a broader reservoir of trained "reliable" conservative talent to be tapped to the benefit of the parties supporting the Malaysia proposal. The Colonial Government also took steps to prevent vote-splitting. Vote-splitting would be to the advantage of SUPP because the parties that contested against it were a proliferation of smaller parties and independent candidates. The Government decided to require a deposit of \$50 for a candidate who wish to stand in a ward<sup>8</sup>. From the experience of the 1959 election, the no deposit requirement would encourage too many nominations. The Government information service also instituted a publicity campaign designed to discourage vote-splitting. It published a booklet, "What you must know about the elections", which warned against vote-splitting<sup>9</sup>.

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<sup>8</sup> A ward is a small electoral area from which a councillor will be elected to sit in the Local District Council. It should not be likened to a State or Parliamentary constituency.

<sup>9</sup> The writer remembers that these booklets were distributed even to primary schools in remote rural areas through school headmasters. They were also pasted on the classroom walls and notice boards where the writer was a pupil.

The Colonial administration therefore had a very positive role to play to secure the formation of Malaysia not only by way of encouraging discussion at inter-governmental levels among the territories but also at more local levels in each territory.

In Sarawak it was vital that the Opposition should not get too many votes as this would be interpreted to mean that there was no massive support for the Malaysia proposal. The Malaysia proposal was directly an issue in the 1963 election. Therefore a result which would reflect the general support for Malaysia was exceedingly necessary. We shall see that in the next chapter, the United Nations Malaysia Mission based its findings that the people of Sarawak favoured Malaysia mainly on the outcome of the 1963 election.

## **CHAPTER VI**

### **FORMAL SETTLEMENT OF CONSTITUTIONAL ARRANGEMENTS**

The Cobbold Commission Report was published in August 1962. One of the recommendations of the Commission as we have already seen in the last Chapter was the establishment of a Joint Working Party to settle the constitutional issues concerning the entry of the Borneo States into Malaysia. This is another step on the part of the British and Malayan Government to give a stamp of legitimacy to the realisation of Malaysia so that they need not fear contradiction from opponents of the Malaysia plan.

#### **The Inter-Governmental Committee**

The British and Malayan Governments on August 1st, 1962 made a joint statement announcing that, "..... subject to necessary legislation, the proposed Federation of Malaysia should be brought into being by 31st August, 1963". It also announced that:-

"An Inter-Governmental Committee will be established as soon as possible, on which the British, Malayan, North Borneo and Sarawak Governments will be represented. Its tasks will be to work out the future constitutional arrangements and the form of the necessary safeguards"<sup>1</sup>.

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<sup>1</sup> Inter-Governmental Committee Report, 1963, Annex C.

The concurrence of the British Government had a very telling impact on the acceptance of the Malaysia plan by the Sarawakians in general. The British administration in Sarawak were held in high esteem and many believed that the British would not have agreed to the proposal if they thought it was not beneficial to the people of Sarawak.

At the end of the London talks which resulted in the Joint Statement on 1st August 1962, Tunku Abdul Rahman had a message to the Borneans. He said, "I would like to tell the people of the Borneo territories that the Federation welcomes them into the new Federation of Malaysia and they can be rest assured that what is enjoyed by the people of the Federation will be enjoyed by them ..... They should have no fear that they would be treated as strangers or as unwelcome guests. We will treat them as members of our family in the truest sense"<sup>2</sup>.

In making the decision to establish the Inter-Governmental Committee (IGC) the British and Malayan Governments agreed that representatives from Sabah and Sarawak should be members of the IGC representing the respective colonial legislatures. On 26th September, 1962, the Council Negri therefore passed the motion:

"That this Council -

- (a) welcomes the decision in principle of the British and Malayan Governments to establish Malaysia by 31st August, 1963, on the understanding that the special interests of Sarawak will be safeguarded;

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<sup>2</sup> The Straits Times, Aug. 2, 1962, p.1



- (b) notes that an Inter-Governmental Committee has been established to work out the detailed constitutional arrangements and the form of these safeguards which will be laid before this Council;
- (c) authorises the Chief Secretary, the Attorney-General, the Financial Secretary, the Dato Bandar Abang Haji Mustapha, Temenggong Jugah anak Baring, Pengarah Montegrai anak Tugang, Mr. Ling Beng Siew and Mr. Chia Chia Shin to represent Sarawak on this Committee; and
- (d) authorises the Governor Council to nominate as additional members of the Committee or as members of Sub-Committees thereof such unofficial members of this Council and such public offices as may be desirable<sup>3</sup>.

The Chairman of the IGC was Lord Lansdowne, the British Minister of State for Colonial Affairs, the Deputy Chairman was Tun Abdul Razak, the Deputy Prime Minister of Malaya. Realising that the peoples of Sarawak wanted safeguards in respect of religious freedom, immigration into the state, mediums of instruction other than Malay and special interests of the natives, Tun Razak was quick to express himself in preparation to the meetings of IGC, in which people of the

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<sup>3</sup> IGC Report, p. 2.

Brunei territories would be represented. Over radio he said, "In a multi-racial society such as ours, there must be tolerance, religious tolerance, so that every racial group will have a right to propagate their religion in peace and harmony". He added, "If some of you are happy now you will be happier in Malaysia"<sup>4</sup>.

Jesselton (Kota Kinabalu) was chosen as the headquarters of the IGC and there it had its first preparatory meeting on 30th August, 1962. Five sub-committees were established each dealing with a specific issue. The sub-committees were the constitutional, fiscal, legal and judicial, public service and the departmental organisation sub-committees. The IGC was anxious to work out the safeguards to Sarawak and North Borneo to bring about Malaysia.

North Borneo presented the "Twenty points"<sup>5</sup> to the IGC as its manifesto embodying the essential conditions and safeguards for its entry into Malaysia. Sarawak never presented a joint declaration as such Sarawak relied mainly on the capability of her eight representatives to bargain for conditions and safeguards before entering Malaysia.

The sub-committees of the IGC held twelve meetings between the period of 30th August 1962 till its report was published on 27th February 1963.

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<sup>4</sup> The Straits Times, Aug. 31, 1962.

<sup>5</sup> see Sabah Annual Report, 1962, pp. 22 - 26.

The IGC met in Jesselton, Kuching and Kuala Lumpur. Its concluding meeting was in Kuala Lumpur on 20th December 1962.

The recommendations of the IGC were found favourable to the Borneans. The recommendations represented practically all the essential conditions and safeguards for the formation of Malaysia and even practically represented the final agreements on which Malaysia was based. It is not necessary to spell out in detail what the recommendations were as to do this would duplicate the recommendations of the Cobbold Commission report already seen in the last chapter. Briefly the recommendations of the IGC were:

- (a) state constitution : The Head of State should be known as the Governor and the first Governor should be nominated before Malaysia day by Her Majesty the Queen and His Majesty the Yang Di-Pertuan Agong for a period of two years. The question whether a State Constitution continued provisions inconsistent with the essential provisions of a state constitution set forth in the Federation of Malaya Constitution should be one ultimately determinable by the courts and not dependent solely on the opinion of the Federal Parliament. Certain modifications should be permitted in Sarawak's Constitution including one which allowed the Sarawak Executive Council be called Supreme Council and the legislature the Council Negri.

- (b) legislative powers : The Federal list, state list and the concurrent lists were set out in an appendix to the report and was based on the distribution of legislative powers under the Federation of Malaya Constitution.

The principal items in the Federal legislative list were external affairs, defence, internal security, civil and criminal law procedure and administration of justice (except Muslim and native customary law), federal citizenship and naturalisation, machinery of Government, finance (except state sales tax), trade, commerce and industry, shipping and navigation, communication and transport, federal works and power, survey, education, (subject to the provision that few changes should be made so as not to effect a drastic change), medicine, labour and social security, professional occupation, holidays other than state holidays, unincorporated societies, control of pests, newspapers and publishings, censorship, places of amusements, federal housing and improvement trusts, co-operative societies.

The principal items in the state lists were: Muslim law and native law and custom, land, agriculture, forestry, local government, other services of a local character such as fire brigade, hotels, burial grounds, markets, licensing of theatres etc.,

state works and water, state holidays, creation of offences in respect of matters included in the state list, inquiries for state purposes, turtles and riverine fishing.

- (c) finance : Taxation should be a federal subject but subject to certain exceptions. The rates should be raised to federal levels by graduated steps. It was necessary to provide certain revenue to the state additional to those assigned to other states in Malaysia to provide financial sources for the state Government. These includes certain duties on petroleum products, timber and minerals, revenue from state sales taxes and port dues. Annual balancing grant is to be made to the state from federal sources. A special grant has to be made to the state to provide for continued expansion of state services. The Federal Government would try to spend M\$300 million during the first five years after Malaysia day on capital expenditure on development. Britain promised a grant of £1.5 million per year for five years for the development of the Borneo States.

- (d) the Judiciary : There should be a separate high court for Borneo. The Supreme Court of the Federation is to be known as the Federal Court and is to have jurisdiction to hear appeals from the High courts as well as disputes between the states or a state

and the Federation, and certain constitutional questions. The High courts should have unlimited original jurisdiction subject to the above and also have jurisdiction to hear appeals to from inferior courts within the states. Native law and custom should remain a state matter.

- (e) public services: Separate public services commissions should be established in each state. The Federal Public Services Commission should establish, for at least five years, branches in Sarawak and members of the State Public Services Commissions should serve on the Federal Public Services Commission's state branch. Existing officers, including expatriate officers should be eligible for promotion, secondment, or transfer in the federal service but such officers should not be required to serve outside Sarawak. For recruitments in Sarawak, preference will be given to Sarawakians.
- (f) election and representatives to Federal legislature: Representatives to the federal legislature should initially be elected by the Council Negri. Direct elections to Parliament and to Council Negri should be held for the first general election after this fifth anniversary of Malaysia day or earlier election should be under the control of the Federal Election Commission.

The Council Negri is to elect two members to the Senate and the number of appointed members to the Senate is to be increased by six to accommodate potential senators from the Borneo States.

The membership of the House of Representatives should be increased from 104 to 159, with Sarawak having twenty-four members.

- (g) national language : Malay was to be the national language but for a period of ten years after Malaysia day, and thereafter until the state legislatures otherwise provides, English should remain an official language. Members of the Federal Parliament from the Borneo States should be able to use English in Parliament for ten years and thereafter until Parliament decides otherwise.
- (h) religion : Islam is the national religion but there should be no state religion in Sarawak and Sabah. There should be constitutional provision for freedom of religion. Where Federal law provide for the granting of financial aid to Muslim institutions or Muslim religious education, proportionate amounts should be made available to other religions and social welfare.
- (i) indigenous races : The existing provisions in the Malayan constitution relating to Malays should be applied to the natives of Borneo States as if they were Malays.

- (j) immigration : Immigration into Malaysia from outside Malaysia should be a federal matter but legislation should be enacted by the Federal Parliament to ensure that, with certain exceptions, entry into the Borneo States would require the approval of the State concerned. This legislation should not be amended or repealed in its application to a Borneo State without the agreement of the state concerned.
- (k) citizenship : Any citizen of the United Kingdom who was born, naturalised or registered in Sarawak and ordinarily resident there when Malaysia comes into existence, should become a citizen by operation of law. Other persons over 17 years of age and ordinarily resident should be entitled to apply for Malaysian Citizenship by registration subject to certain qualification.
- (l) education: Education should be a federal matter but the existing policy and system in Sarawak should remain and under the control of the State Government until that Government otherwise agreed.
- (m) existing laws : Laws on federal matters in force in Sarawak immediately before Malaysia day should remain in force, notwithstanding inconsistency with any provision of the Constitution, until repealed, amended or modified by the competent authority.



- (n) international agreements for financial and technical aids : Although this is a federal subject, the Federal Government should ensure that existing international agreements providing for financial and technical assistance to Sarawak should continue and as regards matters administered by the Borneo States the benefits of such agreement should be enjoyed and administered by the States concerned.

The IGC therefore had work out the details of the constitutional arrangements and the necessary safeguards required by the Borneo people. It paved the way for Malaysia by clearly defining the structures and contents of the future constitution of the Federation and of the States. Sarawak seemed satisfied with the terms set out in the IGC. Indeed it was considered a generous gesture by the Malayan Government. This probably were for the reasons of political expediency to capture the hearts of the Borneans and so that the liberal promise would be taken as a token of sincere friendship and understanding. A Sarawakian member of the IGC said, "I cannot say anything better than that as far as the safeguards are concerned"<sup>6</sup>.

#### Adoption of the IGC's recommendations

The Council Negri voted unanimously to adopt the recommendations of the IGC on 8th March, 1963. The resolution was introduced by the

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<sup>6</sup> Dato Bandar, Straits Times, March 1, 1963.

Attorney-General, a British expatriate officer. The Council Negri also authorised the Government to select certain members of the IGC from Sarawak to sign on Sarawak's behalf the draft Malaysia Agreement to be entered into with British, Malayan, Sabah and Singapore Governments. This Agreement would transfer sovereignty over Sarawak to the new Federation.

#### Other Factors Inducing Sarawak to enter the Federation

Besides the attraction of the recommendations embodied in the IGC Report which the Council Negri adopted, there were other factors which contributed to the decision to enter into the new Federation. These matters are not our main concern in this paper. Nevertheless, it may be useful just to mention them briefly here.

The first factor was based on the treaty signed between the Sultan of Sulu and Baron Oberbeck on 22nd January 1878. The Philippines claimed that the Sultan merely leased Sabah for an annual rent and that this lease was not an instrument of cession of Sabah. The claim by the Philippines served to broaden the base of support for Malaysia. The second factor which influenced decision to enter Malaysia was the Indonesian Confrontation. The communist party of Indonesia declared its opposition to Malaysia on 11th February 1963 on the basis that the proposed Federation was a British neo-colonialist plot in South East Asia. Indonesian irregulars and volunteers began armed infiltration into Sarawak chiefly. The matter

was later referred the Secretary-General of the United Nations Malaysia Mission (UNMM) was established to assess the opinions of the people of Sarawak and Sabah. The finding of the UNMM had demonstrated that Sarawak and Sabah were willing to participate in Malaysia.

The Philippine's claim and the Indonesian Confrontation served to increase and intensify support for Malaysia. A political system such as one would find in Indonesia provided a poor alternative to Malaysia.

The Brunei revolt in December 1962, led by A.M. Azahari also influenced the decision to enter into the Federation. This rebellion against the Sultan for his decision to join the Federation had the official backing of President Soekarno of Indonesia. The rebels wanted self-government first before Malaysia. To the people of Sarawak and Sabah, the revolutionary state of Kalimantan Utara with a political adventurer like Azahari as its leader would be a poor substitute for Malaysia.

Another major factor was the increasing activity of the clandestine communist organisation in Sarawak. The people chose to adopt the familiar British legacy represented by Malaysia rather than the untried unedifying communist ideology.

**The Malaysia Agreement - 9th July, 1963**

After the Council Negri had adopted the IGC's recommendations, the next step was to sign the Malaysia Agreement, signifying the formal consent of all parties concerned to form the Federation. The representatives of five territories- Malaya, Singapore, Sarawak, Sabah, Brunei - journeyed to London. Brunei later decided to stay out of the proposed Federation at the last minute.

Sarawak was represented by P.E.H. Pike, Temenggong Jugah, Abang Haji Mustapha, Ling Beng Siew and Abang Haji Preng. The Malaysia Agreement was initialled on the 9th day of July 1963 by the United Kingdom, Federation of Malaya, North Borneo, Sarawak and Singapore. To all parties concerned the signing of the Malaysia Agreement marked a climax to the many months of bargaining, consultations and negotiations since August 1961.

The Federation of Malaya was represented by Tunku Abdul Rahman, Abdul Razak, Tan Siew Sin, V.T. Sambanthan, Ong Yoke Lin, and S.A. Lim at the initialling of the Malaysia Agreement. As will be noted the Malaysia Agreement was signed for the Federation of Malaya by the Prime Minister, Deputy Prime Minister and four members of the Malayan Cabinet. This was to comply with Article 39 and 80(1) of the Federal Constitution of Malaya. By Article 39, the executive authority of the Federation is vested in the Yang Di-Pertuan Agong and is exercisable by him or by the Cabinet or any Minister authorised by the Cabinet. Article 80(1) provided that the executive authority of the Federation

extends to all matters with respect to which Parliament may make laws which includes external affairs including treaties and Agreement.

The Malaysia Agreement was a simple document consisting of eleven articles<sup>7</sup>. This formal agreement fulfilled the requirements of item 4 of the Joint Public Statement between the Malayan and British Governments on August 1st, 1962. The Agreement among other things imposed on the parties concerned to carry out steps (a) to transfer the British Sovereignty in Sarawak, North Borneo and Singapore by 31st August 1963; (b) to make defence arrangements so that British obligation in the region be extended to the territories of the new Federation, and (c) to provide for detailed constitutional arrangements. The Agreement provided that the name of the Federation of Malaya undertook to secure enactment in its Parliament the Malaysia Act and for the purpose of extending the immigration ordinance 1959 of the Federation of Malaya to Malaysia and to make additional provisions with respect to entry into the States of Sabah and Sarawak. The Government of the United Kingdom undertook to submit to Her Majesty before Malaysia Day Order in Council for the purpose of giving the force of law to the Constitution of Sarawak, Sabah and Singapore as States of Malaysia. It also undertook to take steps necessary and appropriate to secure the enactment by its Parliament an Act providing for the relinquishment as from Malaysia Day, Her Majesty's sovereignty and jurisdiction in the three new states of Malaysia.

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<sup>7</sup> For the full text, see Appendix A.

Perhaps what is more noteworthy as far as Sarawak and Sabah are concerned is Article VIII of the Agreement. The Governments of the Federation of Malaya, North Borneo and Sarawak undertook to take such legislative, executive or other action as might be required to implement the assurances, undertakings and recommendations contained in Chapter 3 of, and Annexes A and B to, the Report of the Inter-Governmental Committee in so far as they are not implemented by the express provision of the Constitution of Malaysia<sup>8</sup>.

In short, the Malaysia Agreement gave a formal and binding effect to the safeguards the Borneans had demanded. Their three major fears - religious domination of an Islamic State, imposition of Malay as a national language to the exclusion of other medium of speech and instruction and the saturation of the labour market and public service by job-seekers from Malaya and Singapore had been dampened by the Provisions of the Malaysia Agreement.

### The Malaysia Act

The final step for the entry of Sarawak into Malaysia was now set. The British House of Commons passed the Malaysia Bill on the 19th July, 1963 to fulfil its obligation under the Malaysia Agreement. This paved the way for Sarawak and the other new territories to be transferred to the Federation of Malaya.<sup>9</sup>

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<sup>8</sup> Chapter 3 of the IGC Report contained political and constitutional issues; Annex A of the Report contained the same constitutional issue, divided into Federal, State and concurrent lists; and Annex B provided for proper functioning of the Public

<sup>9</sup> Services in Sarawak and Sabah, including Borneonisation.  
The Malaysia Bill is annexed to the Malaysia Agreement, p.4.

Queen Elizabeth gave the Royal Assent to the Malaysia Act on 31st July, 1963.

The transfer of sovereignty was approved and the establishment of Malaysia was accepted.

The Malayan House of Representatives (now the Dewan Rakyat) passed the Malaysia Bill and endorsed the Malaysia Agreement on 15th August 1963. The Royal Assent was given by the Yang Di-Pertuan Agong on the 26th August, 1963. Among other things, the Malaysia Act, amended the Federation of Malaya Constitution 1957, Article 1 (1) and (2) to provide, inter alia, for the admission of the three new states and for the alteration of the name of the Federation to that of "Malaysia". The Act was to come into operation on September 16.

The Malaysia Act gave legal and constitutional effect to the safeguards and conditions of Sarawak's entry into Malaysia. It is the major document to bring about Malaysia - Section 3 of the Malaysia Act provides that certain section of the Act are to be inserted in and become Articles of the Constitution. Therefore the Act saves the Government of the Federation from the tedious process of amending the Constitution article by article.

#### Sarawak's Affirmation to Join

On the 21st August, 1963, the Council Negri passed a Resolution endorsing the Malaysia Agreement and reaffirmed its decision to join Malaysia. Sarawak doubled its reaffirmation by having another debate on 4th September<sup>10</sup>.

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<sup>10</sup> The date of proclaiming Malaysia was postponed to September 16th 1963, as a result of the Philippines and Indonesian objection to its formation. The parties meanwhile were waiting for the report of the United Nations' Malaysia Mission.

The resolution was moved by the Chief Minister Designate, Stephen Kalong Ningkan as follows:

"Be it resolved that this Council reaffirms its support for Malaysia, endorses the formal agreement which was signed in London on the 9th July and, while regretting the Federation of Malaysia could not be brought into being on the 31st August, welcomes the decision to establish it on the 16th September, 1963"<sup>11</sup>.

The motion to accept the Malaysia Agreement was carried with some opposition. Thirty-eight members for and five members against. Five members of the Opposition and Independents crossed the floor to vote for the motion. Sarawak therefore gave constitutional effect to her decision to join Malaysia.

#### Proclamation of Malaysia

Before the United Nations' Malaysia Mission (UNMM) could report its findings, the Malayan Government set a new date for the formation of Malaysia. On August 29th, 1963, the Yang Di-Pertuan Ageng signed the Proclamation fixing 16th September as the new Malaysia Day.

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<sup>11</sup> Council Negri Debates, Official Report, Sept. 4, 1963.



The UNMM submitted its report on the 13th September. It reported that the participation of Sarawak and Sabah in the proposed Federation was clearly legitimate having been supported by their legislative bodies as well as by a large majority of people through free and impartial conducted elections in which the question of Malaysia was a major issue. The UNMM endorsed that Sarawak wanted to join Malaysia.

On September 10th, the Government of the State of Kelantan commenced proceedings for declaration that the Malaysia Agreement and the Malaysia Act were null and void or alternately was not binding for the State of Kelantan<sup>12</sup>. It argued that the Malaysia Act would abolish the "Federation of Malaya" thereby violating the Federation of Malaya Agreement, 1957. It also argued that the proposed changes needed the consent of each of the constituent states including Kelantan and this has not been obtained. It claimed that the constitutional convention called for consultation with Rulers of individual states as to substantial changes to be made to the Constitution and that the Federal Parliament had no power to legislate for Kelantan in respect of any matter regarding which the state has its own legislation.

The State of Kelantan filed its suit at the Kuala Lumpur High Court and gave notice of motion that pending the ultimate disposal of the suit, the Court should restrain the defendants from carrying into effect any provisions of the Malaysia Act.

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<sup>12</sup> The Government of the State of Kelantan V. The Government of Federation of Malaya and Tunku Abdul Rahman Putra Al-Haj. (1963) MLJ 355.

Thompson C.J. delivered his judgement in all urgency on the 14th September at 5 p.m. He held that the Parliament of the Federation of Malaya in enacting the Malaysia Act so as to amend inter alia Article 1 (1) and Article (2) acted within its powers granted by Article 159 of the Constitution which deals with amendment of the Constitution. The Constitution which formed an integral part of the Federation of Malaya Agreement, 1957, (to which Kelantan was a party) did not require consultation with any state as a condition to be fulfilled.

Thomson C.J. held further that the Malaysia Agreement having been signed by the Prime Minister, Deputy Prime Minister and four members of the Cabinet is valid as this was in compliance with Articles 39 and 80 (1) of the Constitution and there is nothing whatsoever in the Constitution requiring consultation with any state Government or Ruler of any state.

Malaysia was therefore proclaimed on the 16th Day of September 1963.

The New Federation it was proclaimed shall be forever an independent and sovereign democratic State founded upon liberty and justice, ever seeking to depend and uphold peace and harmony among its peoples and to perpetuate peace among nations.

Alongside the joy and celebrations marking Malaysia Day, a hand grenade exploded in the Kuching open market<sup>13</sup>. The Government cancelled its lantern and float procession to safeguard public safety and facilitate security measures. The Government disclosed that in the clandestine communist organisation was responsible.

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<sup>13</sup> The Straits Times, Sept. 16, 1963.

## **CHAPTER VII**

### **CONCLUSION**

The basis for the formation of Malaysia was stated at the outset by Tunku Abdul Rahman when he spoke at the Foreign Correspondents' Association of South East Asia in Singapore on 27th May 1961. He thought, Malaya, though independent, could not stand alone and in isolation and that sooner or later his country should have an understanding with Britain and the peoples of the territories of Singapore, North Borneo, Brunei and Sarawak. Thoughts were, of course, turned on to Singapore as it was viewed as an indivisible part of Malaya and that the island and the peninsula had close and established economic, social, administrative and cultural ties. The inclusion of the Borneo states were significant in the minds of the Malayan leaders because their predominantly bumiputra populations could be used to off-set the Chinese ethnic dominance of a Singapore-Malaya merger.

The fact was that few Borneans wanted Malaysia, and it was Malaya, aided by Singapore, which wanted to form the enlarged Federation. In this respect Sarawak (and Sabah) was in a strong bargaining position. The demands of the Sarawakians for safeguards and terms of entry were readily listened to. Britain immediately offered encouragement and constitutional support for the formation of Malaysia. It might well have been that without these safeguards and conditions being accepted, Malaysia would never have been formed so smoothly. In other

words, these conditions and safeguards, which found their expression in the Inter-Government Committee Report, later in the Malaysia Act and finally in the Constitution of the Federation formed the basis for the existence of Malaysia today.

Now, nearly thirteen years have passed since Malaysia came into being. All this while, the major objectives and a major policy of the Central Government in respect of the Borneo States has been one of national integration. But in many instances the constitutional safeguards and special privileges accorded to the Borneo States have been found to be obstacles to this objective. Their existence is in some cases incompatible with the objective of national integration which is so vital in the new nation. In their overzealousness to promote integration, the leaders of the new Federation at Kuala Lumpur have often forgotten to accept the Agreements that have been entered into at the time of its formation and upon which the Malaysian Federation was created. These Agreements have often been made to appear as if they were mere "gentlemen agreements".

Throughout the years we find increasing central control on the states. This is particularly so in the case of the "problem child", Sarawak. The issues in Sarawak are unique. The Central Government sought to control State policies either by exercising their dominating position as provided for in the Constitution or by direct or indirect interference in State politics.

Today, most of the constitutional safeguards demanded by the Borneo States

still remain intact on paper especially those in respect of immigration, public

service, religious freedom and native customary rights and practices. Others

have been gradually eroded.

Upon joining Malaysia, the Borneo States accepted Malay as the national

language. They did not however accept Malay as the official language at least

for some time. Article 61 of the Malaysia Act which is incorporated into the

Federal Constitution as Article 161 provides that no Act of Parliament could

terminate or restrict the use of English language shall come into operation until

ten years after Malaysia day. This also applies to the use of English language

in Borneo courts, legislatures or for other official purposes. Legally, the

Borneo States could delay the implementation of Malay as the official language

as long as they wish because there was no requirement for the States to act in

1973.

To the Central Government the implementation of the national language policy

is of prime significance. It becomes a rallying point from which people can unite

into a single nationality and its acceptance is the manifestation of loyalty to the

country. Sarawak leaders have exhibited sensitivity to any suggestion that

the agreements relating to official language be changed. Stephen Kalong Ningkan's

removal from the post of Chief Minister in 1966 was partly because he objected

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Upon joining Malaysia, the Borneo States accepted Malay as the national language. They did not however accept Malay as the official language at least for some time. Article 61 of the Malaysia Act which is incorporated into the Federal Constitution as Article 161 provides that no Act of Parliament could terminate or restrict the use of English language shall come into operation until ten years after Malaysia day. This also applies to the use of English language in Borneo courts, legislatures or for other official purposes. Legally, the Borneo States could delay the implementation of Malay as the official language as long as they wish because there was no requirement for the States to act in 1973.

To the Central Government the implementation of the national language policy is of prime significance. It becomes a rallying point from which people can unite into a single nationality and its acceptance is the manifestation of loyalty to the country. Sarawak leaders have exhibited sensitivity to any suggestion that the agreements relating to official language be changed. Stephen Kalong Ningkan's removal from the post of Chief Minister in 1966 was partly because he objected to the pace and methods of implementing the national language policy in Sarawak.

On 9th July 1966, he said, "I could not agree with the way the national language was being pushed down the throats of the people of Sarawak. I insisted that the guarantees promised to Sarawak should be respected"<sup>1</sup>. Another leader, his Deputy Chief Minister, Datuk Dunstan Endawrie, stated on 11th November 1965 that, "If this Central Government attempted to force the introduction of the national language to Sarawak by 1967, it violates the Inter-Governmental Committee Report and also the Constitution of Malaysia for it was basically constituted on it"<sup>2</sup>.

Thus one can see an instance where a constitutional safeguard to the Borneo State could conflict with national policy of integration and the realisation of nationhood.

One of the most effective ways by which national integration could be carried out is by having a common education policy using the national language as the medium of instruction until such time as they were prepared to accept it. This found expression in Article 17 of the Inter-Governmental Committee Report. No such specific clause was incorporated into the Malaysian Constitution. In Sarawak the Inter-Governmental Committee Report was widely regarded as a treaty, not as constitutional amendment type for amendment. Emphasis upon indefinite use of the English as medium of instruction in schools was viewed by Kuala Lumpur as inconsistent with the national education policy.

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<sup>1</sup> Borneo Bulletin, 9th July 1966.

<sup>2</sup> Sarawak Tribune, 11th Nov. 1965.

In June, 1964, Stephen Kalong Ningkan said, "Its English Language adoption has been regarded essential if we are to make rapid educational progress to catch up with our neighbours and to fit ourselves for life in the modern world ... As to the use of Malay as a medium of instruction, this is out for the time being".<sup>3</sup>

Today, however, the Central Government has enforced the education policy in Sarawak and Malay has become the medium of instruction in the lower classes for a start. This is another instance where constitutional arrangements made at the formation of Malaysia have become an obstacle to national policy.

The arrangements that were evolved through the long process of negotiations to form Malaysia will continue to present difficulties. The integration of Sarawak within Malaysia will continue to be a delicate issue and will have a significant effect on state politics. The Sarawak situation is unique. The composition of population differs from that in Peninsula Malaysia. The equation that results and the possible solution that emerge might therefore also differ. Problems there will be, but these are the consequences of attempting to harmonise the diverse socio-cultural and ethnic group into a nation. The long run objectives should be the one at the outset; that Malaysia is an association of partners combining in common interest to create a nation.

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<sup>3</sup> Sarawak Tribune, July 7, 1964.



APPENDIX A

AGREEMENT RELATING TO MALAYSIA

The Federation of Malaya, the United Kingdom of Great Britain and Northern Ireland, North Borneo, Sarawak and Singapore;

Desiring to conclude an agreement relating to Malaysia;

Agree as follows:-

ARTICLE I

The Colonies of North Borneo and Sarawak and the State of Singapore shall be federated with the existing States of the Federation of Malaya as the States of Sabah, Sarawak and Singapore in accordance with the constitutional instruments annexed to this Agreement and the Federation shall thereafter be called "Malaysia".

ARTICLE II

The Government of the Federation of Malaya will take such steps as may be appropriate and available to them to secure the enactment by the Parliament of the Federation of Malaya of an Act in the form set out in Annex A to this Agreement and that it is brought into operation on 31st August, 1963 (and the date on which the said Act is brought into operation is hereinafter referred to as "Malaysia Day").

### ARTICLE III

The Government of the United Kingdom will submit to Her Britannic Majesty before Malaysia Day Orders in Council for the purpose of giving the force of law to the Constitutions of Sabah, Sarawak and Singapore as States of Malaysia which are set out in Annexes B, C and D to this Agreement.

### ARTICLE IV

The Government of the United Kingdom will take such steps as may be appropriate and available to them to secure the enactment by the Parliament of the United Kingdom of an Act providing for the relinquishment, as from Malaysia Day, of Her Britannic Majesty's sovereignty and jurisdiction in respect of North Borneo, Sarawak and Singapore so that the said sovereignty and jurisdiction shall on such relinquishment vest in accordance with this Agreement and the constitutional instruments annexed to this Agreement.

### ARTICLE V

The Government of the Federation of Malaya will take such steps as may be appropriate and available to them to secure the enactment before Malaysia Day by the Parliament of the Federation of Malaya of an Act in the form set out in Annex E to this Agreement for the purpose of extending and adapting the Immigration Ordinance, 1959, of the Federation of Malaya to Malaysia and of making additional provision with respect to entry into the States of Sabah and Sarawak; and the other provisions of this Agreement shall be conditional upon the enactment of the said Act.

## ARTICLE VI

The Agreement on External Defence and Mutual Assistance between the Government of the Federation of Malaya and the Government of the United Kingdom of 12th October 1957, and its annexes shall apply to all territories of Malaysia, and any reference in that Agreement to the Federation of Malaya shall be deemed to apply to Malaysia, subject to the proviso that the Government of Malaysia will afford to the Government of the United Kingdom the right to continue to maintain the bases and other facilities at present occupied by their Service authorities within the State of Singapore and will permit the Government of the United Kingdom to make such use of these bases and facilities as that Government may consider necessary for the purpose of assisting in the defence of Malaysia, and for Commonwealth defence and for the preservation of peace in South-East Asia. The application of the said Agreement shall be subject to the provisions of Annex F to this Agreement (relating primarily to Service lands in Singapore).

## ARTICLE VII

(1) The Federation of Malaya agrees that Her Britannic Majesty may make before Malaysia Day Orders in Council in the form set out in Annex G to the Agreement for the purpose of making provision for the payment of compensation and retirement benefits to certain overseas officers serving, immediately before Malaysia Day, in the public service of the Colony of North Borneo or the Colony of Sarawak.

(2) On or as soon as practicable after Malaysia Day, Public Officers' Agreements in the forms set out in Annexes H and I of this Agreement shall be signed on behalf of the Government of the United Kingdom and the Government of Malaysia; and the Government of Malaysia shall obtain the concurrence of the Government of the State of Sabah, Sarawak or Singapore, as the case may require, to the signature of the Agreement by the Government of Malaysia so far as its terms may affect the responsibilities or interests of the Government of the State.

#### ARTICLE VIII

The Governments of the Federation of Malaya, North Borneo and Sarawak will take such legislative, executive or other action as may be required to implement the assurances, undertakings and recommendations contained in Chapter 3 of, and Annexes A and B to, the Report of the Inter-Governmental Committee signed on 27th February, 1963, in so far as they are not implemented by express provision of the Constitution of Malaysia.

#### ARTICLE IX

The provisions of Annex J to this Agreement relating to Common Market and financial arrangements shall constitute an Agreement between the Government of the Federation of Malaya and the Government of Singapore.

## ARTICLE X

The Governments of the Federation of Malaya and of Singapore will take such legislative, executive or other action as may be required to implement the arrangements with respect to broadcasting and television set out in Annex K to this Agreement in so far as they are not implemented by express provision of the Constitution of Malaysia.

## ARTICLE XI

This Agreement shall be signed in the English and Malay languages except that the Annexes shall be in the English language only. In case of doubt the English text of the Agreement shall prevail.

In witness whereof the undersigned, being duly authorised thereto, have signed this Agreement.

Done at London, this 9th day of July, 1963, in five copies of which one shall be deposited with each of the Parties.

For the United Kingdom:

HAROLD MACMILLAN  
DUNCAN SANDYS  
LANSDOWNE

For the Federation of  
Malaya:

T.A. RAHMAN  
ABDUL RAZAK  
TAN SIEW SIN  
V.T. SAMBANTHAN  
ONG YOKE LIN  
S.A. LIM

For North Borneo:

DATU MUSTAPHA BIN  
DATU HARUN  
D.A. STEPHENS  
W.K.H. JONES  
KHOO SIAK CHIEW  
W.S. HOLLEY  
G.S. SUNDANG

For Sarawak:

P.E.H. PIKE  
T. JUGAH  
ABANG HAJI MUSTAPHA  
LING BENG SIEW  
ABANG HAJI OPENG

For Singapore:

LEE KUAN YEW  
GOH KENG SWEE

ABBREVIATIONS

C.C.O.	-	Clandestine Communist Organisation
I.G.C.	-	Inter-Governmental Committee
M.S.C.C.	-	Malaysia Solidarity Consultative Committee
U.N.M.M.	-	United Nations Malaysia Mission
U.M.N.O.	-	United Malays National Organisation
PANAS	-	Party Negara Sarawak
SUPP	-	Sarawak United Peoples Party
SNAP	-	Sarawak National Party

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